

REMARKS

Claims 1, 3-10, and 12-19 are pending in this Application. Applicants have amended various claims to define the claimed invention more particularly. Applicants have cancelled claims 2 and 11 without prejudice or disclaimer. Claims 5-10, 13, and 14 were previously withdrawn. Applicants have added new claims 15-19 to claim additional features of the invention and provide varied protection for the invention. No new matter is added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-4, 11, and 12 stand rejected under 35 U.S.C. §102(e) as being anticipated by Sugiyama et al. (US 2004/0129027, and hereinafter “Sugiyama”).

Applicants respectfully traverse this rejection in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined by exemplary claim 1) is directed to a processing method of processing a glass base material for an optical fiber using a processing apparatus.

The processing apparatus includes a pair of rotatable chucks that directly or indirectly grasp respective ends of the glass base material in an axial direction of the glass base material and that are capable of performing relative displacement in an opposing direction, a burner for heating the glass base material that is movable along the axial direction of the glass base material being grasped, and at least one midway holding device that holds or supports at least one midway part of the glass base material.

The processing method includes processing the glass base material while preventing the glass base material from being brought into a cantilever state by always holding or supporting the glass base material at two or more points, and moving the at least one midway holding device to a vicinity of at least one rotatable chuck in an elongation process and not during a first phase of heating of the elongation process (e.g., see Application at

page 10, lines 24-34).

Several exemplary advantages of the claimed invention as recited above are set forth in the originally-filed specification, for example, the ability to easily and safely perform a welding process and a spindle shape process without core deviation and without causing an accident of falling off of the glass base material (e.g., see Application at page 5, second paragraph).

II. THE PRIOR ART REJECTION

The Examiner alleges that Sugiyama anticipates claims 1-4, 11, and 12.

Applicants respectfully submit, however, that the alleged reference does not teach or suggest each and every feature of the claimed invention.

That is, Sugiyama does not teach or suggest, "*moving the at least one midway holding device to a vicinity of at least one rotatable chuck in an elongation process and not during a first phase of heating of the elongation process*" as recited in claim 1.

Indeed, the Examiner does not even allege that Sugiyama teaches or suggests this feature of the claimed invention.

Furthermore, Applicants note that regarding a 35 U.S.C. § 102 rejection, MPEP § 2131 explains the following:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Sugiyama fails to disclose or suggest the "*moving the at least one midway holding device to a vicinity of at least one rotatable chuck in an elongation process and not during a first phase of heating of the elongation process*," as recited in claim 1. Therefore, Sugiyama fails to disclose or suggest all of the elements of claim 1, and thus fails to disclose or suggest all of the elements of any of dependent claims 3, 4, and 12. Thus, claims 1, 3-4 and 12 are not anticipated by Sugiyama.

Therefore, Applicants respectfully submit that Sugiyama fails to teach or suggest each element of Applicants' claimed invention. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

III. NEW CLAIMS

New claims 15-19 have been added to claim additional features of the invention and to provide more varied protection for the claimed invention. The claims are independently patentable because of the novel features recited therein.

Applicants submit that new claims 15-19 are patentable at least because of similar reasons to those set forth above with respect to claims 1, 3, 4, and 12.

Applicants submit that support for new claims 15-19 can be found at least on page 9, line 10 – page 10, line 2; page 10, lines 17-19; and page 11, lines 1-17 of the Application.

Further, Applicants notes that new claims 15-19 are directed to the invention of Group I, which was elected in the Response filed on September 11, 2009.

IV. FORMAL MATTERS AND CONCLUSION

Applicants have amended claim 3 in a manner believed responsive to the Examiner's claim objection. Applicants have cancelled claim 2.

In view of the foregoing, Applicants submit that claims 1, 3, 4, 12, and 15-19, all the claims presently under examination, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 03/15/2010

Farhad Shir
Farhad Shir, Ph.D.
Registration No. 59,403

Sean M. McGinn, Esq.
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817
(703) 761-4100
Customer No. 21254